

Appl. No. : 10/033,167  
Filed : December 27, 2001

### REMARKS

Applicants have cancelled Claims 27-28, and 32-34 without prejudice to, or disclaimer of, the subject matter contained therein. Applicants maintain that the cancellation of a claim makes no admission as to its patentability and reserve the right to pursue the subject matter of the cancelled claim in this or any other patent application.

Applicants thank the Examiner for his careful review of Applicants' submission filed January 31, 2005. Applicants acknowledge the Examiners allowance of Claims 42-46.

Claims 42-46 are presented for examination. Applicants respond below to the specific rejections raised by the Examiner in the Office Action mailed March 16, 2005.

#### **Rejections under 35 U.S.C. § 112, first paragraph – Written Description**

The PTO has rejected Claims 27-28 and 32-34 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one of skill in the relevant art that the inventors had possession of the claimed invention at the time the application was filed.

Applicants maintain that the rejected subject matter is adequately described. However, in the interest of advancing prosecution of the instant application, Applicants have canceled Claims 27-28 and 32-34, rendering the rejection moot.

#### **Rejections under 35 U.S.C. § 102(a) – Anticipation**

The PTO has rejected Claims 27-28, and 32-34 under 35 U.S.C. § 102(a) as being anticipated by Genbank Accession No. AC004089.

Applicants maintain that the rejected subject matter is patentable over the cited art. However, in the interest of advancing prosecution of the instant application, Applicants have canceled Claims 27-28 and 32-34, rendering the rejection moot.

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### CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Nevertheless, the PTO is invited to contact the undersigned at the telephone number appearing below to discuss any remaining issues.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: June 15, 2005

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